

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

STONEE LEE SCHAEFFER,

Plaintiff,

v.

ANGELA WARNER,

Defendants.

Civil Action No. 07-160 Erie

MEMORANDUM JUDGMENT ORDER

_____ Plaintiff's civil rights complaint was received by the Clerk of Court on June 29, 2007 and was referred to Chief United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Chief Magistrate Judge's Report and Recommendation [17], filed on September 18, 2008, recommends that the Defendants' motion [11] for summary judgment on grounds of exhaustion be granted. The parties were allowed ten (10) days from the date of service in which to file objections. Service was made on Plaintiff by certified mail at SCI Albion, where he is incarcerated, and on the Defendants. No objections were filed. After de novo review of the complaint and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 14th day of October, 2008;

IT IS ORDERED that the Defendant's Motion [11] for Summary Judgment on Grounds of Exhaustion be, and hereby is, GRANTED. JUDGMENT is hereby entered in favor of the Defendant, Angela Warner, and against Plaintiff, Stoney Lee Schaeffer.

The Report and Recommendation [17] of Chief Magistrate Judge Baxter, dated September 18, 2008, is adopted as the opinion of this Court.

s/ SEAN J. McLAUGHLIN

Sean J. McLaughlin
United States District Judge

cc: all parties of record
Chief U.S. Magistrate Judge Baxter